

# 642 WHITE CLIFFS



**BUILDING AND STANDARDS BOARD AGENDA ITEM #3 FOR  
WEDNESDAY, JUNE 26, 2013**

**ENVIRONMENTAL SERVICES DEPARTMENT  
CODE COMPLIANCE DIVISION**

**MEMORANDUM**  
June 20, 2013

**TO:** The Honorable Chairman and Board Members

**THROUGH:** Elda Hefner Rodriguez, Division Manager, Code Compliance Department

**FROM:** Tom Maguire, C.B.O., Deputy Building Official

**SUBJECT:** 642 White Cliffs Dr., El Paso, Texas, 79912

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on or about February 12, 2013. The multifamily dwelling (quadruplex) was built on or about 1984 constructed of wood framing and wood structural members and brick veneer. During the initial investigation, unit A was found vacant and has become an attractive nuisance to unwanted persons. Other than minor drywall damage and graffiti throughout the vacant units the general condition of the structure is good. There are some broken windows. Gas service is nonexistent at this location. There is weeds trash and debris throughout.
- 2) A certified condemnation letter was mailed to James E. Stone.
- 3) Certified notices of the public hearing scheduled for June 26, 2013, were mailed to the owners and all interested parties on June 6, 2013.
- 4) As of June 5, 2013, no taxes are owed.

The owners have been notified of the property violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure be secured within thirty (30) days; and maintained secure thereafter
- 6) That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division

March 2, 2012

**NOTICE OF VIOLATION**

James E. Stone  
945 Gato Rd.  
El Paso, Texas 79932-2634

Re: 642 White Cliffs Dr.  
Blk: 1 West Hills #1  
Lot: 1  
Zoned: A-2  
ENHS12-00079  
7108 2133 3932 6880 8314

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

**18.50.108.1 General.**

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

**18.50.108.1.1 Unsafe Structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**18.50.108.1.2 Unsafe Equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**18.50.108.1.3 Structure Unfit for Human Occupancy.**

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks

maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **642 White Cliffs Dr., El Paso, Texas, 79912** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 304.1.1.9]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6 & Sec.305.2]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- k. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Raul Carrillo

Building Inspector

## **NOTICE OF PUBLIC HEARING**

### **To all interested parties:**

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

**LOCATION:** City Hall, City Council Chambers, 300 N. Campbell Street, 1<sup>st</sup> Floor, El Paso, Texas 79901

**DATE:** June 26, 2013

**TIME:** 5:30 p.m.

**PROPERTY:** 642 WHITE CLIFFS DRIVE, EL PASO, TEXAS also described as Lot 8, Block 1, WEST HILLS #1 AN ADDITION to the City of El Paso, El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, James E. Stone, Trustee under the Will of Jack E. Dunlap, deceased, 945 Gato Rd, El Paso, Texas 79932-2634 is the owner, herein after referred to as the "Owner" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about March 28, 2013 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9 ]

- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- e. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- f. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- g. Means of egress & Emergency escape opening - A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

The Owner is entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner fails to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order. The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

**FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.**

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM

APPROVED AS TO CONTENT

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John R. Batoon  
Assistant City Attorney

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Tom Maguire, C.B.O.  
Deputy Building Official



I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 642 White Cliffs Dr. was PUBLISHED in the official City newspaper on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 642 White Cliffs Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Jame E. Stone  
345 Gato Road  
El Paso, Texas 79932-2634

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 642 White Cliffs Dr. was HAND-DELIVERED to:

City of El Paso  
C/O City Clerk  
300 N. Campbell  
El Paso, TX 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 642 White Cliffs Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 642 White Cliffs Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 642 White Cliffs Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Clerk, Probate Dept.  
500 E. San Antonio Avenue, Suite 105  
El Paso, Texas 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice regarding the property at 642 White Cliffs Dr. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer  
Linebarger, Heard & Perez, LLP  
Attn: Bonnie Cooper  
221 N. Kansas Suite 1400  
El Paso, TX 79901

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Inspector: \_\_\_\_\_

I certify that a true and correct copy of the foregoing Notice was POSTED at 642 White Cliffs Dr. El Paso, Texas.

Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Inspector: \_\_\_\_\_



# UNSAFE STRUCTURES REPORT

## ENVIRONMENTAL SERVICES

**DATE OF EXAMINATION:** June 5, 2013

**REP. DISTRICT:** 8

**ADDRESS:** 642 White Cliffs

**ZONED:** A-3

**LEGAL DESCRIPTION:** 1 West Hills #1 Lot 8

**OWNER:** James E. Stone

**ADDRESS:** 945 Gato Rd.  
El Paso, Texas 79932-2634

**BUILDING USE:** Multifamily Dwelling

**TYPE OF CONSTRUCTION:** Type III

**FOOTINGS:** Unable to determine type and/or condition of footing due to subterranean placement. A structural engineer should be hired to evaluate the actual condition and submit a report to this department on all corrective actions required to bring the footings up to minimum code compliance.

**FOUNDATION WALL:** N/A

**CONDITION:** N/A

**FLOOR STRUCTURE:** Concrete slab on grade covered with commercial vinyl tile flooring.

**CONDITION:** Good. Unable to determine condition due to placement of floor covering. A structural engineer should be hired to evaluate the actual condition and submit a report to this department on all corrective actions required to bring the floor structure up to minimum code compliance.

**EXTERIOR WALLS:** Wood framing covered with brick veneer.

**HEIGHT:** 8'-10'

**THICKNESS:** 6"-8"

**CONDITION:** Good

**INTERIOR WALLS & CEILINGS:** Wood framing w/gypsum board covering

**CONDITION:** Fair. Some of the walls have been vandalized and contain holes that will need to be repaired.

**ROOF STRUCTURE:** Pitched roof, wood framing and sheathing with shingle covering

**CONDITION:** Good.

**DOORS, WINDOWS, ETC.:** Wood framed doors and metal frame windows.

**CONDITION:** The window in unit A located in front is broken and will need to be replaced or repaired. Most of the doors and windows are in good condition.

**MEANS OF EGRESS:** Does not meet minimum code requirements.

**PLUMBING:** A licensed plumber should be hired to bring system up to code.

**ELECTRICAL:** A licensed electrician should be hired to bring system up to code.

**MECHANICAL:** A licensed mechanical should be hired to bring system up to code.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** 0

**WARNING POSTED:** N/A      **BARRICADED:** N/A      **POLICE AID REQD.:** N/A

**REMARKS:** The structure located at this address contains 4 individual dwelling units. It is currently vacant. It is only accessible through a broken window located at the front of unit A. Unit A has become an attractive nuisance to children. Other than minor damage to the drywall and some graffiti, the structure is in overall good condition. This department recommends that the structure be condemned to be secured within thirty (30) days and maintained secure thereafter; and that the premises be cleaned within thirty (30) days and maintained clean thereafter.

Raul Carrillo  
**Building Inspector**

Appraisal & Collection Technologies - EL PASO

Action Edit Query Record Field Help Entitlements Accounts Statements Window

ORACLE

Account Status

Prev Acc... Next Acc... Prev Owner Next Owner Acct History Acct Summary **Notes** Documents

Go To:

EVAR  
ACT8006 v1.235

06/05/2013 18:18:  
ACTEP

STATUS DETAIL Expand Fees Summary

**Account Information**  
Account No. **W145-999-0010-0800** Roll Code **REAL PROPERTY**  
Certified Owner **STONE JAMES E**  
Parcel Address **642 WHITE CLIFFS DR**  
Amount Due as of **06/05/2013** CAD No. **406623**

**Tax Units**  
Tax Unit Description  
List of Tax Units  
1 3 6 7 8  
AG INCLUDED Remove Fees Countywide

**Tax Unit, Yr, Rec. Type**  
Tax Unit  
Year  
Rec. Type  
Multi Select

**Amount Due/Paid Information**

Year	Gross Value	H	O	V	D	Base Levy	Paid Levy	Write-Off	Remaining Levy	Fees	Refund	Amount Due
2012	\$191,803					\$5,003.61	\$5,003.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2011	\$191,803					\$4,914.77	\$4,914.77	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$191,803					\$4,874.79	\$4,874.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$195,099					\$4,860.57	\$4,860.57	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$195,092					\$4,874.93	\$4,874.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$195,092					\$4,914.59	\$4,914.59	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$158,613					\$4,590.61	\$4,590.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2005	\$131,883					\$4,117.93	\$4,117.93	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$124,420					\$3,864.73	\$3,864.73	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>						<b>\$67,778.45</b>	<b>\$67,778.45</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Last Payment Date  
Last Payer

Alert

5:18 PM  
6/5/2013